SINGLE BENCH

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(4)

CF/1081

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 676 / 2007

PETITIONER :**Tamaraj Ram**
S/o Late Joiedharam
Aged about 30 years
R/o- Village-Jhuranadi,
Tehsil- Chuiekhadan,
Dist- Rajnandgoan (C.G)

P.R. No. 779/07
Presented by H.S. Ahluwalia
Date 25/1/07

Versus

RESPONDENTS

1. **State of Chhattisgarh**
Through the Secretary,
Public Works Department,
D.K.S. Bhawan, Raipur (C.G)

2. Chief Engineer
PWD, Department
D.K.S. Bhawan, Raipur (C.G)

3. Superintendent Engineer
PWD, Durg Mandal
Dist- Durg

4. Sub-Divisional Officer
PWD (B&R), Sub-Division Office,
Khairagarh (C.G)

5. Executive Engineer
PWD (B&R) Khairagarh Division,
Khairagarh (C.G)

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(5)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A SUITABLE WRIT ORDER OF DIRECTION TO DO JUSTICE IN THE MATTER.

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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 676 of 2007

Petitioner: Tamaraj Ram

Versus

Respondents: State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri H. S. Ahluwalia, Advocate for the petitioner.

Shri Arvind Dubey, Panel lawyer for the Respondents.

ORDER

(Passed on this 6th day of February, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The father of the petitioner namely Shri Joiedharam, while working as Gangman in the Public Works Department, died in harness on 4.12.2005. The petitioner, being son i.e. dependent and legal heir, made an application for compassionate appointment on 26.9.2006 (Annexure P/2). According to the petitioner, his case for compassionate appointment has been rejected vide order dated 18.10.2006 (Annexure P/1) in terms of the order dated 27.4.2006, according to which there is a ban on compassionate appointment.

2. Learned counsel for the petitioner submits that the father of the petitioner had served the Public Works Department for about 22 years, thus he had attained the status of permanent gangman. He further submits that this Court vide order dated 4.1.2007 passed in W.P.No. 108/2005 (Govind Vs. State of C.G. & others) and other connected matter, has held that the gangmen who worked for more than 15 years have acquired the status of permanent

gangmen. Therefore, the petitioner is entitled to get compassionate appointment.

3. Recently the State Government has issued circular dated 2.2.2006 to consider the cases of dependent legal heirs of deceased employees on compassionate basis where the deceased employee died during the period from 1.11.1997 to 31.10.2000. This Court has also passed order dated 20.12.2005 in W. P. No. 1322/2002 and other connected matters, in regard to the matters relating to compassionate appointments.

4. In view of the above, the State Government is directed to consider the case of the petitioner as per its own circular dated 2.2.2006 and also in view of the order dated 20.12.2005, passed by this Court in W. P. No. 1322/2002 and other connected matters on its own merit, in accordance with law.

5. For the reasons stated-above, the writ petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur